

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MERRILL LYNCH INTERNATIONAL,

Plaintiff,

-against-

XL CAPITAL ASSURANCE INC. AND  
XLCA ADMIN LLC, AS TRUSTEE FOR  
PORTFOLIO CDS TRUST 138, PORTFOLIO  
CDS TRUST 153, PORTFOLIO CDS TRUST  
164, PORTFOLIO CDS 165, PORTFOLIO  
CDS TRUST 170, PORTFOLIO CDS TRUST  
172 AND PORTFOLIO CDS TRUST 186,

Defendants.

XL CAPITAL ASSURANCE INC. AND  
XLCA ADMIN LLC, AS TRUSTEE FOR  
PORTFOLIO CDS TRUST 138, PORTFOLIO  
CDS TRUST 153, PORTFOLIO CDS TRUST  
164, PORTFOLIO CDS 165, PORTFOLIO  
CDS TRUST 170, PORTFOLIO CDS TRUST  
172 AND PORTFOLIO CDS TRUST 186

Counterclaimants,

-against-

MERRILL LYNCH INTERNATIONAL AND  
MERRILL LYNCH & CO.,

Counterclaim Defendants.

08 CV 2893

**NOTICE OF APPEARANCE**

To the Clerk of this Court and all parties of record:

Please enter my appearance as counsel in this case for XL Capital Assurance, *et al.*, Defendants/Counterclaimants.

I certify that I am admitted to practice in this Court.

DATED: New York, New York  
April 3, 2008

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

By: s/ Jonathan E. Pickhardt  
Jonathan E. Pickhardt

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*Attorneys for Defendants and Counterclaimants*

**CERTIFICATE OF SERVICE**

I, Jonathan Pickhardt, hereby certify that on the 3rd day of April, 2008, I caused to be served a true and correct copy of the foregoing document upon the following, via the ECF filing system:

Jay B. Kasner, Esq.  
Scott D. Musoff, Esq.  
SKADDEN, ARPS, SLATE,  
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s/ Jonathan E. Pickhardt  
Jonathan E. Pickhardt